

A version of the above amended claims marked to indicate the specific amendments may be found in the attached Appendix, in accordance with 37 CFR 1.121(c)(1).

REMARKS

Claims 1 and 13 have been amended. Claims 2, 5, 7, 14, 18 and 22-30 have been canceled, without prejudice. Claims 1, 4, 6, 8-13, 15-17, and 19-21 are in the application upon entry of this amendment. Entry of this amendment, and reexamination and reconsideration of the present application in light of the above amendments and the following remarks is respectfully requested.

Claims 1 and 13 have been amended by indicating that the lubricating composition is a multigrade lubricating composition. Support for this amendment can be found in the applicants' specification at, for example, page 1.

Claims 1 and 13 have also been amended by specifying that the polymer (A) is selected from the group consisting of polyalkylenes, terpolymers of ethylene, propylene and a diene monomer, and mixtures thereof. Support for these amendments can be found in the applicants' specification at page 6, line 33 and page 10, lines 8-9.

Claims 1 and 13 have also been amended by indicating that the fluidizing agent is selected from the group consisting of alkylated aromatic hydrocarbons, polyalpha-olefins having a kinematic viscosity in the range of about 2 to about 30 cSt at 100°C, and mixtures thereof. Support for these amendments can be found in the applicants' specification at page 12, lines 16-17 and 25-30.

Claims 1, 2 and 4-29 have been rejected under 35 U.S.C. §103(a) as unpatentable over the teachings in Tipton et al. (U.S. Patent 4,594,378). Claim 30 has been rejected under 35 U.S.C. §103(a) as unpatentable over Paboucek (U.S. Patent 5,217,636). The rejections with respect to claims 2, 5, 7, 14, 18 and 22-30 are now moot in view of the cancellation of these claims. In view of the cancellation of claim 30, the rejection with respect to the teachings in Paboucek is now moot and therefore no discussion with respect

of (B-1) and (B-2). The reference indicates that these also may contain (C) at least one low temperature viscosity-reducing liquid organic diluent such as a naphthenic oil or certain other natural and synthetic oils having the desired low temperature properties. While Tipton et al. discloses broadly polymeric compositions for use in transmission fluids and hydraulic fluids, the reference provides no specific teaching directing the skilled artisan to the specific mineral oil based multigrade lubricants specified in the applicants' amended claims. Tipton et al. discloses the use of natural and synthetic oils generally, but does not specifically disclose or suggest the use of a mineral oil having a kinematic viscosity of up to about 8 cSt at 100°C as specified in the applicants' claims. The applicants' amended claims are directed to specific mineral oil based multigrade lubricants that exhibit a shear loss of less than about 15% in the 20 hour taper bearing shear test. This improvement is neither disclosed nor suggested in the teachings in Tipton et al.


Applicants respectfully submit that the claims now in the application define an invention that is neither specifically disclosed nor suggested by the teachings in Tipton et al. Accordingly, applicants respectfully submit that withdrawal of the rejection based upon the teachings in Tipton et al. is believed to be warranted and is respectfully requested.

Applicants respectfully submit that the application is now in condition for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,

THE LUBRIZOL CORPORATION

By


Neil A. DuChez
Reg. No. 26,725

29400 Lakeland Boulevard
Wickliffe, Ohio 44092-2298
(216) 621-1113

APPENDIX - - Amendment Version With Markings to Show Changes Made

Claims 1 and 13 have been amended as follows:

1. (Twice Amended) A multigrade lubricating composition comprising at least about 30% by weight of at least one mineral oil[,] having a kinematic viscosity of less than about 8 cSt at 100°C, (A) from 20% to about 40% by weight of at least one polymer having a \bar{M}_w less than 50,000, the polymer being selected from the group consisting of polyalkylenes, terpolymers of ethylene, propylene and a diene monomer, and mixtures thereof, and (B) up to about 30% by weight of at least one fluidizing agent, the fluidizing agent being selected from the group consisting of alkylated aromatic hydrocarbons, poly α -olefins having a kinematic viscosity in the range of about 2 to about 30 cSt at 100°C, and mixtures thereof, provided that when the fluidizing agent is a poly α -olefin having a kinematic viscosity from about 2 to about 30 cSt at 100°C, then the poly α -olefin is present in an amount up to about 12% by weight, wherein the lubricating composition has a shear loss of less than about 15% in the 20 hour taper bearing shear test.

13. (Twice Amended) A multigrade lubricating composition comprising at least about 30% by weight of at least one mineral oil[,] having a kinematic viscosity of less than about 8 cSt at 100°C, and an amount of a concentrate, sufficient to deliver to the multigrade lubricating composition [a fully formulated lubricant], (A) from about 15% to about 40% by weight of at least one polymer having a \bar{M}_w from about 1000 to about 45,000, the polymer being selected from the group consisting of polyalkylene, terpolymers of ethylene, propylene and a diene monomer, and mixtures thereof, and (B) from about 10% to about 30% by weight of at least one fluidizing agent, the fluidizing agent being selected from the group consisting of alkylated aromatic hydrocarbons, poly α -olefins having a kinematic viscosity in the range of about 2 to about 30 cSt at 100°C, and mixtures thereof, wherein the lubricating composition has a shear loss of less than about 15% in the 20 hour taper bearing shear test.